

Referred to Committee on Education, and
On motion of Senator Davis, 100 copies ordered
printed.

The following message was received from the
House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 11, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed by the House to inform the Senate of the
passage, by the House of Representatives, of House bill No.
5, "An act to amend an act, entitled 'an act to redistrict the
State into judicial districts,' etc., passed April 10, 1883, so as
to change the times of holding district court in Galveston
county." Passed by a majority vote.

J. W. BOOTH, Chief Clerk.

Senator Fowler arose to a question of privilege,
and made the following statement:

I will direct the attention of the Senate to certain charges
and insinuations of corruption made on the floor of the House
in regard to the Lunatic Asylum bill, passed at the last session
of the Legislature. It is claimed that the bill was not correctly
enrolled, and that there was crookedness and corruption in
the matter. For the Enrolling Committee of the Senate, I re-
ported that bill as correctly enrolled, and now have it before
me. An examination of the original bill, with all the amend-
ments as reported from the House, shows that the bill
was in fact correctly enrolled as reported to the Senate by the
House, and that therefore there could not possibly have been
any omission, mistake, crookedness or corruption on the part
of the Senate, or any member or officer thereof.

On motion of Senator Shannon.

The Senate adjourned until 10 o'clock a. m. to-
morrow.

FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 12, 1884.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Cheslev,

The reading of yesterday's journal was dispensed
with.

Senator Harris, chairman of Committee on Judi-
cial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 12, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts have had under con-
sideration House bill No. 5, entitled "An act to amend an act
entitled 'an act to redistrict the State into judicial districts,'
etc., passed April 10, 1883, so as to change the time of holding
district court in Galveston county," and instruct me to report
it back to the Senate with the recommendation that it do
pass.

HARRIS, Chairman.

Bill read first time.

Senator Martin, chairman of the Committee on
Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 12, 1884.

Hon. Marion Martin, President of the Senate:

SIR: Your Committee on Engrossed Bills have carefully
examined and compared Senate joint resolution No. 1, being
"A joint resolution instructing our Senators and requesting
our Representatives in Congress to urge the granting of a right

of way across the Indian Territory to the Texas, Oklahoma
and Kansas railway company, or any reliable company ask-
ing for the right of way," and find the same correctly en-
grossed.

MARTIN, Chairman.

Senator Fleming, chairman of Committee on Fed-
eral Relations, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 11, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred
Senate joint resolution No. 3, "requesting the Senators and
Representatives in Congress, from Texas, to urge the passage
of the bill now pending before Congress granting the right of
way through the Indian Territory to the Gulf, Colorado and
Santa Fe railway company," have had the same under con-
sideration, and instruct me to report same back to the Senate
with the recommendation that it do pass, with the following
amendment: Insert after the word "resolved," in section 1,
line 30, of written copy of bill, the following: "by the Legisla-
ture of the State of Texas."

FLEMING, Chairman.

Resolution read first time.

The President gave notice of signing House bill
No. 12, "An act making an appropriation to defray
the contingent expenses of the Eighteenth Legisla-
ture, convened on January 8, 1884, in extra session
by proclamation of the Governor."

Also, House bill No. 4, "An act making an appro-
priation for mileage and per diem pay of members,
and per diem pay of officers and employees, of the
called session of the Eighteenth Legislature.

Senator Fleming, by consent, presented a petition
from the citizens of McCulloch county, Texas, re-
commending measures to the Legislature to suppress
fence cutting and other kinds of lawlessness.

Referred to Committee on Stock and Stockraising.

Also, a petition from citizens of Runnels county,
to the same effect.

Referred to Committee on Stock and Stockraising.

Senator Perry, chairman of Committee on Roads,
Bridges and Ferries, submitted the following re-
ports:

COMMITTEE ROOM,
AUSTIN, January 11, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom
was referred Senate bill No. 38, entitled "An act to amend ar-
ticle 4362, title 87 of the Revised Statutes of the State of Texas,
so as to require first-class roads to be made at least sixty feet
wide," have carefully examined the same, and instruct me to
report the same back with the recommendation that it do pass.
All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 11, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom
was referred Senate bill No. 7, entitled "An act to reserve cer-
tain lands for road purposes, and punish the enclosing of the
same," have carefully examined the same, and instruct me to
report the same back, with the recommendation that it do
pass.

All of which is respectfully submitted,

PERRY, Chairman.

Bill read first time.

Senator Gooch, chairman of Judiciary Committee
No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 12, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Sen-

ate bill No. 23, entitled "An act to amend article 570 of the Criminal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The statute now justifies homicide, when inflicted on another in the act of committing robbery, arson, and some other offenses. This bill extends the justification to homicide inflicted on another in the act of maliciously cutting or burning any fence, grass or crops. The injury to the owner is the same whether property is destroyed by fire or by any other agency; and no reason is seen why laws made for the protection of the owner in attempting to protect his property should not be the same in both cases.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 12, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 8, entitled "An act to prescribe the punishment for the cutting or destruction of fences," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, in the form as amended, and a full copy of the bill as amended is herewith presented, in lieu of the bill with amendments. The object of the bill is to make wilful and wanton cutting, injuring or destroying fences enclosing lands, by persons not the owner of lands enclosed, a felony, and prescribing as a punishment confinement in the penitentiary for a term not less than two nor more than five years.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 12, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 25, entitled "An act to prevent persons from entering the fenced lands of others and hunting and fishing therein in certain instances," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

Senator Houston introduced a bill to be entitled "An act prohibiting persons from fencing lands not owned or controlled by them without the written consent of the owner, and prescribing penalties therefor."

Referred to Judiciary Committee No. 2.

Senator Houston also presented a protest from the citizens of Llano county against the chartering of school district named San Fernando, in Llano, San Saba and Mason counties."

Referred to Committee on Education.

Senator Gibbs introduced the following:

A bill to be entitled "An act punishing the enclosing of public lands."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act prescribing the punishment for knowingly and wilfully fencing any lands the property of another."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act requiring a gateway in every two miles of fencing, and punishing the building or maintaining any fence without such gateway."

Referred to Judiciary Committee No. 2.

Senator Pfeuffer introduced a bill to be entitled "An act to provide for the organization and establishment of school districts in the several counties of the State, and to prescribe the duties of officers in

relation to the management of the public school system in the counties, and to provide for the levy, assessment and collection of taxes in school districts for school purposes, and amending articles of the Revised Statutes numbers 3704, 3753, 3754, 3757, 3758, 3760, and repealing articles of the Revised Statutes numbers 3732, clauses 6 and 7; article 3754; articles 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3755, 3759, 3762, 3763, 3765, 3767, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, and repealing laws in conflict with this act."

Referred to Committee on Education.

Senator Davis introduced a bill to be entitled "An act to amend article 3203 of the Revised Civil Statutes of the State, and to add thereto article 3203a."

Referred to Judiciary Committee No. 2.

Senator Houston introduced the following resolution:

Resolved, that the President of the Senate appoint one additional general committee clerk, to act under the direction of the President of the Senate.

Adopted.

The President, under the resolutions of the Senate, appointed the following named gentlemen as committee clerks: S. G. Sneed and N. Q. Henderson.

The President also appointed Wynne Andrews general clerk.

On motion of Senator Traylor, Senator Matlock was excused until Monday morning.

On motion of Senator Kleberg,

Mr. Ledbetter, postmaster of the Senate, was excused for to-day, on account of sickness.

The President laid before the Senate Senate bill No. 3, "An act to donate all the public domain in the State of Texas to the public free school fund."

Bill read second time with committee amendment.

The committee amendment was adopted.

Senator Chesley offered the following amendment:

Amend section 1 by adding the following:

"Provided, that nothing in this act shall be construed so as to interfere with the right of homestead donation as now provided by law."

Adopted.

On motion of Senator Davis,

The vote adopting amendment of Senator Chesley was reconsidered.

Senator Harris offered the following substitute for Senator Chesley's amendment:

Add to section 1 the following: "Subject to the right of actual settlers to the homestead donation provided by the Constitution, to be exercised by settlers up to the time the land shall be sold or disposed of."

Accepted, and

Adopted by the following vote:

YEAS—15.

Chesley,
Collins,
Cooper,
Evans,
Farrar,

Fowler,
Gooch,
Harris,
Houston,
Johnson of Collin,

Johnston of Shelby,
King,
Martin,
Perry,
Terrell.

NAYS—11.

Buchanan,
Davis,
Fleming,
Getzendaner,

Gibbs,
Jones,
Kleberg,
Patton,

Pfeuffer,
Pope,
Randolph.

Senator Houston offered the following amendment:

Add to section one:

"Provided, that this act shall not prevent the location of any certificates upon lands which were open for location of such certificates at the time of their issuance."

Lost by the following vote:

YEAS—5.

Collins, Cooper,	Fleming, Gooch,	Houston.
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NAYS—21.

Buchanan, Chesley, Davis, Evans, Farrar, Getzendaner, Harris,	Johnson of Collin, Johnston of Shelby, Jones, King, Kleberg, Martin, Patton,	Peacock, Perry, Pfeuffer, Pope, Randolph, Terrell, Traylor.
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Senator Cooper offered the following amendment:

Amend by adding after the word "State," in section 1, line 11, as follows: "Situate in the unorganized counties."

Lost, and

Bill ordered engrossed by the following vote:

YEAS—19.

Buchanan, Collins, Davis, Evans, Farrar, Fowler, Getzendaner,	Gooch, Harris, Johnson of Collin, Johnston of Shelby, Jones, King,	Kleberg, Patton, Perry, Pfeuffer, Randolph, Terrell.
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NAYS—7.

Chesley, Cooper, Fleming,	Houston, Martin,	Pope, Traylor.
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Senator Davis moved to suspend the rules and place bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan, Chesley, Collins, Cooper, Davis, Farrar, Fleming, Fowler,	Getzendaner, Harris, Houston, Johnson of Collin, Jones, King, Kleberg,	Martin, Patton, Perry, Pfeuffer, Pope, Randolph, Terrell.
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NAYS—3.

Evans,	Peacock,	Traylor.
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Bill read third time.

Senator Chesley moved to lay the bill on the table.

Lost by the following vote:

YEAS—11.

Chesley, Collins, Cooper, Fleming,	Houston, King, Martin, Peacock,	Perry, Pope, Traylor.
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NAYS—14.

Davis, Evans, Farrar, Fowler, Getzendaner,	Gibbs, Harris, Johnson of Collin, Johnston of Shelby, Jones,	Kleberg, Patton, Randolph, Terrell.
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Bill passed by the following vote:

YEAS—16.

Buchanan, Chesley, Davis, Evans, Farrar, Fowler,	Getzendaner, Gibbs, Harris, Johnson of Collin, Johnston of Shelby,	Jones, Kleberg, Patton, Randolph, Terrell.
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NAYS—10.

Collins, Cooper, Fleming, Houston,	King, Martin, Peacock,	Perry, Pope, Traylor.
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Senator Harris moved to suspend the rules and take up House bill No. 5, "An act to redistrict the State into judicial districts, etc., passed April 10, 1883, so as to change the times of holding district courts in Galveston county."

Adopted by the following vote:

YEAS—26.

Chesley, Collins, Cooper, Davis, Evans, Farrar, Fleming, Fowler, Getzendaner.	Gibbs, Harris, Houston, Johnson of Collin, Johnston of Shelby, Jones, King, Kleberg, Martin,	Patton, Peacock, Perry, Pfeuffer, Pope, Randolph, Terrell, Traylor.
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NAYS—none.

Bill read second time, and

Passed to third reading.

Senator Harris moved to further suspend rules and place bill on its third reading.

Adopted by the following vote:

YEAS—25.

Buchanan, Collins, Cooper, Davis, Evans, Farrar, Fleming, Fowler, Getzendaner,	Gibbs, Harris, Johnson of Collin, Johnston of Shelby, Jones, King, Kleberg, Martin,	Patton, Peacock, Perry, Pfeuffer, Pope, Randolph, Terrell, Traylor.
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NAYS—none.

Bill read third time and passed.

On motion of Senator Davis, one hundred copies of Senate bill No. 36, "An act to require the commissioners' courts to lay out and open certain first class roads," was ordered printed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 12, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed by the House of Representatives to inform the Senate of the passage by the House of House concurrent resolution No. 1, "Instructing our Senators and Representatives in Congress to urge the passage of a bill in Congress granting the right of way across the Indian Territory to the Texas, Oklahoma and Kansas railway company." Also, House concurrent resolution No. 2, "Instructing our Senators and Representatives in Congress to provide for a court to try offenses committed in the Indian Territory."

Respectfully,

J. W. BOOTH, Chief Clerk.

On motion of Senator Gibbs.

The Senate adjourned till Monday morning at 10 o'clock.